

As Engrossed: 2/25/92

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Representative Allen**

Call Item 43
A Bill ACT 42 OF 1992
HOUSE BILL 1043

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7 **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §6-18-222(4) AND
9 (5) TO EXEMPT ACTIONS FILED TO IMPOSE A CIVIL PENALTY UPON
10 THE PARENTS OF A STUDENT WHO HAS EXCEEDED THE NUMBER OF
11 EXCESSIVE ABSENCES FROM ALL FILING FEES FOR CIVIL CASES;
12 AND FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Arkansas Code Annotated §6-18-222(4) and (5) are amended to
17 read as follows:

18 "(4) Whenever a student exceeds the number of excessive absences
19 provided for in the district's student attendance policy, the school district
20 shall notify the prosecuting authority, and the student's parents, guardians,
21 or persons in loco parentis shall be subject to a civil penalty in such an
22 amount as a court of competent jurisdiction presiding in the presence of a
23 representative of the school district may prescribe, but not to exceed five
24 hundred dollars (\$500) plus costs of court and any reasonable fees assessed by
25 the court. The penalty shall be forwarded by the court to the school attended
26 by the student.

27 (5) Upon notification by the school district to the prosecuting
28 authority, the prosecuting authority shall file an action which shall be
29 exempt from all filing fees for civil cases in the appropriate court to impose
30 the civil penalty set forth in subdivision (a)(4) of this section and shall
31 take whatever action is necessary to collect the penalty provided for therein.
32 The failure of the prosecuting authority to timely file an action or pursue
33 collection on a case once notified shall be considered neglect of duty,
34 *subjecting the prosecuting attorney to the provisions of §16-21-116. Actions*
35 *under this section shall be filed in an appropriate municipal court as a*
36 *matter of preference.*

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SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/James C. Allen

APPROVED: 3-17-92

